

# Planning Proposal

## East Walker Street Precinct



### Visual Assessment Report

Report prepared for Avenor Group

by Dr. Richard Lamb  
August 2020

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## Executive Summary

1. This report is an assessment of the visual effects and potential impacts on view sharing of a Planning Proposal for 173-179 Walker Street and 11-17 Hampden Street, known as the East Walker Street Precinct, in North Sydney.
  2. There is a single Reference Design being considered for the site. The development of a preferred option will depend on a variety of factors including land ownership, potential amalgamation of adjoining lots and assessment of the design included in the planning proposal. Like any coastal location with highly valued views, future buildings on the site would need to be carefully designed to ensure that an appropriate degree of view sharing can be retained.
  3. The site has a potentially large visual catchment, however direct visual effects of the proposed development will be relatively restricted to locations closest to the site from adjacent roads including Walker Street, McLaren Street, Hampden Street and the Warringah Expressway.
  4. Parts of the podium and tower proposed on the East Walker Street precinct will be visible from distant locations from the north-east, east and south-east and will be visible in the context of a skyline that is predominantly characterised by tower forms of similar, or greater height.
  5. The built form proposed in the Reference Design is compatible with what currently exists, has been approved and is proposed within the immediate visual context of North Sydney.
  6. The majority of views to the proposed development from the south-west, west and north-west will be blocked by intervening tall built forms that are present in the North Sydney CBD.
  7. In our opinion there are no high sensitivity viewing locations across the site from within the immediate public domain.
  8. The most sensitive views to the site from the private domain are likely to be from the closest residential developments located opposite the East Walker Street Precinct along the west side of Walker Street.
  9. View access from low-level dwellings opposite the site to iconic or highly valued features as defined in *Tenacity* are unlikely to be currently available or affected by the proposal.
  10. The tower form proposed will introduce new, taller built form into the foreground composition of views from dwellings at the Heritage Apartments and in some mid-to high-level views from the dwellings in The Belvedere.
  11. The tower form included in the Reference Design is not dissimilar in scale or form to adjoining residential tower forms eg. Century Plaza.
  12. In the majority of views from high-level dwellings as presented in block-model photomontages, the tower forms will block a small part of a wider panoramic view to the south-east or east. The parts of the view composition blocked do not include the majority of iconic items or a large proportion of scenic or highly valued views as defined in *Tenacity*.
  13. A small part of a wider view to the east to Sydney Harbour will be potentially blocked in some views from centrally located high level apartments in the Belvedere.
  14. The extent of view loss in our opinion from the closest low-level dwellings is likely to be similar to the effects caused by a development that complies with the controls that apply to the site at present, ie. R4 zone, with an existing 12 metre height control.
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15. The additional height sought by the planning proposal predominantly blocks only views of areas of open sky.
  16. To the extent that there is view loss, it would not be directly related to the overall heights of the built form proposed. That is, substantially lower built form would not cause significantly lesser effects.
  17. High rise residential and mixed-use tower development in this visual context are not unexpected or likely to appear out of place given the similar scale and height of developments at Milsons Point, North Sydney and within the City of Sydney.



## 1.0 Background

Avenor Pty Ltd (Avenor) on behalf of Walker Street No. 100 Pty Ltd have prepared a Planning Proposal that was submitted to North Sydney Council as the consent authority, for a proposed mixed-use development at the East Walker Street Precinct (the precinct) which includes 173-179 Walker Street and 11-17 Hampden Street, North Sydney. The Planning Proposal includes proposed built forms across the East Walker Street Precinct that are on separate land titles, with the objective of amalgamation, in order to maximise the development potential of the precinct.

Richard Lamb and Associates (RLA) have been commissioned by Avenor to provide an independent visual assessment of the planning proposal at the Reference Design stage.

RLA has extensive experience in visual analysis and visual impact assessment of projects ranging from individual residences to urban release areas. The company specialises in assessment of visual impacts and strategic planning for visual protection. Dr Lamb, the principal author of this report, has 30 years' experience in development assessment and strategic planning and has published articles in local and international journals on perception, aesthetic assessment and landscape management. RLA have been engaged to provide independent visual analysis of many Major Projects, planning proposals and development applications in urban settings similar to the precinct.

A CV for Dr Richard Lamb, principal of RLA and author of this report can be viewed or downloaded from the RLA website at [www.richardlamb.com.au](http://www.richardlamb.com.au).

The Sydney North Planning Panel considered the Planning Proposal in February, 2020 and found that the Proposal had strategic and site specific merit and recommended that it proceed to a Gateway Determination. The Planning Proposal received a Gateway Determination from the Department of Planning, Industry and Environment under delegation from the Minister for Planning and Public Spaces.

RLA had previously provided a report on the Planning Proposal that was assessed by the Sydney North Planning Panel and which contained three potential reference designs as alternatives, with variations in development controls. One of the three reference designs was the preferred option. The Planning Proposal was approved to proceed, subject to conditions issued by the Department of Planning, Industry and Environment. Among the conditions relevant to view sharing was the requirement that there be a single set of development controls and a single Reference Design.

## 2.0 Purpose of this report

This report provides an assessment of the potential impacts of the built form proposed on the precinct in the single Reference Design, the merits of which are analysed in respect of impacts on potential view sharing. The Reference Design is of podium-tower form with a maximum height of 148 metres and an FSR of 6.1:1.

The Reference Design has been analysed based on indicative 3D modelling that has been prepared by SJB Architects in July 2020 which shows the location, form, height and massing of the built form proposed, seen from the view points analysed in the Planning Proposal.

Should the Proposal be approved to progress to the development application stage, detailed design would occur for individual components of the development, at which time fine-grained consideration of the massing, articulation, detailing, materials and finishes, colours and landscape design would be resolved.

Our assessment is therefore restricted to the analysis of the visibility, visual exposure, and visual effects on views and streetscapes that would occur in relation to the general principles proposed, for example the location, height and massing of the Proposal. It also includes a preliminary assessment of potential impacts on the composition of views, existing visual character, desired future character and streetscape character of the vicinity. In this regard we have as far as possible assessed the potential of the development to cause view loss or blocking in relation to surrounding views within the private and public domain, including approved and proposed developments nearby.

### 3.0 The existing site and visual context

The precinct is located on the eastern side of Walker Street with a west and north boundary to Hampden Street. Together the 7 separate lots form a lowercase 'r' shape if considered in plan-view and are bounded by the east side of Hampden Street including its eastern return. Existing built form on the site is characterised by inter-war era residential buildings between three and four residential storeys in height. We note that the site is identified by Council as an 'opportunity site' in the draft WSPM but has been excised from the plan so that development on the site can be separately pursued.

Walker Street runs parallel to and is in a mid-slope position relative to the Pacific Highway and the Warringah freeway to its east. In this regard the site includes a steep cross fall from west to east with a ground level that sits below its western Walker Street and Hampden Street frontages. The site appears to be located at the approximate low point within the local topographic and visual context so that the adjacent ground levels to the west, north and south are higher relative to it.

The subject site is surrounded by residential dwellings or apartment blocks that vary in architectural style and age, other than on the north side of Hampden Street. The west side of Walker Street is characterised by contemporary high-quality mixed-use development eg. the Belvedere and Heritage apartments and by residential development such as a low four-storey clinker brick 1980's style building at 45 McLaren Street.

McLaren Street, located north-west of the precinct, rises in elevation to meet the Pacific Highway. Development located along both sides of the street includes tower forms including existing and approved mixed and residential buildings.

45 and 41 McLaren Streets have been the subject of conjecture in regard to uplift development. We are advised that Council at its January 2019 meeting, endorsed a Post Exhibition Report on the Draft Ward Street Precinct Masterplan (the WSPM) (Stage 2) and resolved to progress with a final masterplan based on Masterplan Design Option 2 which does not involve the redevelopment of 41 McLaren Street or 45 McLaren Street. As a result, neither 41 nor 45 McLaren Street would be expected to increase in height.

We are aware however, that a new Planning Proposal for 41 McLaren Street, up-slope and west of 45 McLaren Street is currently with North Sydney Council. Although part of the existing 8-storey Harry Seidler-designed building would remain, redevelopment of the site is proposed to amended the height from RL100 to RL 226 rather than the 12 storeys (RL110) shown in the draft WSPM.

The former SAP building located at No.168 Walker Street at the north-west corner of McLaren Street is currently under construction to replace the existing commercial building by an approved residential development by Aqualand, that is articulated vertically into the appearance of three towers when seen from the south, the tallest of which is on the corner of Walker and McLaren Street. This building will spring from a higher ground level relative to the subject site to a height of up to RL 167m. Relative to the Planning Proposal, the apartments are predominantly orientated toward the south and parallel to Walker Street, however oblique views over the subject site would be possible from the eastern part of the building.

Two residential apartment towers are located at the high (west) end of McLaren Street including what appears to be a building of 13 storeys at the McLaren Apartments at 39 McLaren Street and

approximately 17 storeys at the Harvard Apartments at 237 Miller Street which stands at the south-east corner of McLaren and Miller Streets. It is unlikely that these buildings would have significant view access because of the height of 39 McLaren Street, which is to their east and likely to block those views, although there may be a slot view between 229 Miller Street and 39 McLaren Street over 41 McLaren Street. However, as noted above, the 41 McLaren Street site has a current for a Planning Proposal for a tower significantly higher than apartments in those buildings that would block views to the east and south-east in the slot view. Therefore, this Planning Proposal for the East Walker Street Precinct would not be likely to have significant or additional impacts on view sharing for those buildings.

We observed three mixed-use developments including residential towers under construction or recently completed at 221, 229 and 231 Miller Street, west of the site and west of the site of 41 McLaren Street and the rear section of the Ward Street carpark. Each of the buildings include a residential component and rise to approximately 22 storeys. Real estate images and marketing information available on line in relation to 221 Miller Street (the Miller) and 229 Miler Street (Vantage Apartments) indicate that living spaces along the east elevation of the rear section of the building at the upper levels have access to some views to the east over intervening buildings. 321 Miller Street would provide limited view opportunities between adjacent tower form building, the views also being blocked in the foreground by existing buildings such as 39 and 41 McLaren Street.

The Planning Proposal would be visible from some upper level apartments in both 221 and 229 Miller Street in the current environment, however as already noted, the redevelopment of 41 McLaren Street would result in some view loss to both building, when approved. As the buildings rise to 23 and 20 storeys, respectively, similarly to The Belvedere, at 138 Walker Street, views toward the south-east including Sydney Harbour views, would be screened by that building from most levels and also screened at a greater distance by 169 Berry Street, the Century Plaza apartment building, beyond.

The Belvedere residential tower is located at No.138 Walker Street opposite the precinct. It includes two connected built forms, the lower of which is 13 residential storeys in height (RL101) and the higher form including 21 residential storeys reaches RL125.

The Heritage apartment block and associated dwellings at No.150 Walker Street is located west and north-west of the site. This development includes four modified individual federation style one and two-storey dwellings with gardens and a conjoined 8-storey contemporary residential apartment building immediately to the rear (west). The rear apartments include external balconies and windows along the eastern elevation at the upper levels that would provide views over the lower components of the development on Walker Street and currently over the subject site. Views to the south-east and south would be blocked in the foreground by The Belvedere at 138 Walker Street and the Century Plaza building at 169 Berry Street.

The east side of Walker Street north of the site includes residential development that is predominantly lower in height and smaller in form and scale relative to the west side and includes two to three-storey flats and terrace houses, with the exception of the Harbourview Apartments at No.191-195 Walker Street that includes eight residential storeys massed in two tower forms located on a local ridgeline north of Hampden Street. Harbourview Apartments would not have it harbour views obstructed by the Planning Proposal.



Hampden Street includes a split carriageway separated by terraced stone walls and semi- mature vegetation for example, Jacaranda and Bottlebrush trees which provide a continuous visual screen between the two carriageways. Mature canopy trees are located at the east end of the street and along the west side of Warringah Freeway which block some low-level and street views from Hampden Street and parts of Walker Street to the east. The north side of the street is elevated relative to the south and includes two-storey residential development, the western-most of which is a semi-detached residence with a narrow setback to a two-storey terrace development that includes five dwellings.

A five-storey contemporary residential development occupies the eastern end of the north side of Hampden Street. This is characterised by two separate buildings, with curved roof forms and what appear to be open terraces along the east elevation. This development is set back to the north and beyond mature vegetation which creates a vegetation screen between it and Hampden Street.

No.169 Berry Street, the Century Plaza apartment building, is located south of the precinct and is characterised by two wings of apartments located either side of a central lift core. The building's unusual 'butterfly' floorplate appears to be of circa 1980s origin with one elevation orientated to the north-west and towards the site. The north-west elevation includes windows and external balconies that appear to be at the rear of apartments. Century Plaza is approximately 19 residential storeys in height with the highest floor level of accommodation at RL 119. We observed that the tower form is well separated from the precinct by a ground level podium, garden areas and carparking structure that includes a pool, landscape gardens and mature vegetation.

We observed the presence of mature London Plane street trees (*Platanus acerifolia*) in Walker and McLaren Streets which make a significant visual contribution to the streetscape character of the area. The canopies of other mature trees located within private property particularly those close to Walker Street, also contribute to the visual context of the site.

### 3.1 Visual quality

In our opinion, the intrinsic visual quality of the site and Walker Street is moderate to high. The North Sydney Development Control Plan 2013 (the DCP) identifies the site as being within the Hampden Neighbourhood precinct. Section 2.4.1 describes the streetscape character of this area as including significant elements such as street trees, grass verges, landscaped median strips and double rail timber fences as well as an iconic sandstone wall and views and vistas to be preserved. We note that Hampden Street includes heritage items that are recorded in Schedule 5 of the North Sydney LEP 2013 and that the Walker Street conservation area is located north of McLaren Street, but does not include the precinct.

### 3.2 Streetscape character

Streetscapes immediately surrounding the site are predominantly characterised by mixed-use residential and commercial buildings. This is the case for Walker, McLaren and Berry Streets. Hampden Street includes a lower density and scale of residential development. The setback of built form along the west side of Walker Street varies but most of the sites are characterised by narrow or nil setbacks.

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Streetscapes within the Hampden neighbourhood precinct and along the east side of Walker Street are characterised by low front fences and substantial gardens within the front setbacks. The streets are quiet, relative to the major arterial roads to the west, south and east, for example the Pacific Highway, Berry Street and the Warringah Expressway and they include mature street trees which contribute to a green, pleasant pedestrian environment.

## 4.0 The proposed development

SJB have prepared a single Reference Design as required by the Department of Planning, Industry and Environment. The massing of the option is shown in the Planning Proposal prepared by SJB architects and in photomontages in this report.

Reference Design parameters:

### LEP Controls:

- Maximum Height of RL 148 metres
- Maximum FSR of 6.1:1
- Prohibition on Overshadowing to Doris Fitton Park

### Yield Breakdown:

- Site Area: 3,949 sqm
- Gross Floor Area: 24,088 sqm
- 1 x 80 sqm Retail Store
- Approximately 254 apartments.
- Proposed that the end of Hampden Street is converted into a Pocket Park

### Design Outcomes:

- Single reference scheme with a maximum height of RL148 (29 storeys) and maximum FSR of 6.1:1
- Variation in building heights of 29 storeys, 28 storeys and 8 storeys.
- Introduction of a 12m physical separation between the 28 storey tower and 8 storey tower allowing for views through the site
- Introduction of a 2-3 storey street wall height with a 3m upper level setback along Walker Street and Hampden Street. This is consistent with draft Civic Study and responds to the residential zoning and rhythm of the heritage buildings
- Consistent 2m ground level setback to Walker Street and Hampden Street, responding to the design guidelines within the draft Civic Study and the typical setbacks of the residential zone.
- The podium elevation on Hampden Street references the rhythm and grain of the heritage terraces with a series of physical breaks and recesses
- Transformation of the Hampden Street cul-de-sac into a community pocket park (consistent with the draft Civic Study)

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## 5.0 Existing view access

### 5.1 Public domain (including local streets)

Existing view access from surrounding streets is constrained largely to the road corridors by built form and street trees. The existing site is visible from parts of Walker Street and from its intersections with McLaren Street and Berry Street. Views from the west towards the site and to the potential tower form, from Miller Street, is constrained by intervening existing development in Miller and McLaren Street and by buildings that are currently under construction or proposed for significant uplifts including 221 and 229 Miller Street and 41 McLaren Street. A tall building is proposed to be constructed in McLaren Street adjacent to the Metro north entrance to the Victoria Cross station, further decreasing the visual exposure of the site to the public domain to the west and north-west. Overall, the private domain visual catchment of the site is limited.

View compositions available from within the public domain in the immediate context of the site includes features typical of a commercial/residential mixed-use environment and streetscape features described in Section 3.2 such as sandstone walls and gardens etc.

There is no significant view across the existing site from the public domain in Walker Street or Hampden Street that include scenic or more highly valued features, for example parts of Sydney Harbour that could be blocked by the proposal. In addition, there appears to be a limited prospect of medium or more distant views from pedestrian paths in McLaren Street, Walker Street and Hampden Street across the site to scenic or more highly valued features. Potential views towards Kirribilli and beyond to parts of Sydney Harbour from the upper part of Walker Street toward Ridge Street in the public domain would not be significantly affected by the proposed development. The strong vista along Walker Street to the southern part of the North Sydney CBD that is referred to in the North Sydney DCP is not present in the vicinity of the site. This potential view to the south along Walker Street appears to exist from near its intersection with Berry Street, which is at a relative high point in the street.

### 5.2 Private domain

Based on our experience and observations, an analysis of the spatial relationship, landforms, built form, and presence of vegetation within the immediate site context, in our opinion some residential apartments may be potentially affected by view loss or view blocking as a result of construction of a tower form on the precinct.

The lower buildings such as those located in the heritage conservation area in Hampden Street and those opposite the site, for example at 146 and 148 Walker Street, have limited existing view access to the east and south-east. As there are taller buildings east and south-east of the site, that would constrain views beyond the site, we anticipate that views are short range and do not currently extend beyond the precinct to the east or include scenic or highly valued items that could be seen across the site. Views in this direction and to the south-east from the heritage precinct and from Walker Street would be constrained east of the site by taller built forms, for example 86 -88 Berry Street.

Views from both the Century Plaza apartments and the future Aqualand residential development are likely to be expansive, with only a small part of potential views being affected by the built form proposed in the precinct. Views from the Century Plaza building have been maximised to take in views to the south east and east, away from the precinct. While there are views possible to the north-west and north, these are in the nature of an outlook rather than a view, as the views are constrained by

existing and future buildings to the north-west and north. Further, both of these buildings are located some distance from the precinct and in this regard potential visual impacts would receive less weight in terms of the significance of the impact as only a part of the field of view would be affected.

Views from the upper few floors of The Harvard at 237 McLaren Street to the east and south-east may be available above the adjacent McLaren Apartments at 39 McLaren Street and may include parts of Sydney Harbour. View access to scenic or iconic items from the upper floors at The McLaren to the east and south-east is likely to be constrained by existing (and proposed) built forms, such as 39 McLaren Street and the future redevelopment of 41 McLaren Street beyond. Potential views to the south from dwellings at the upper floors at both buildings would not extend above intervening built form and buildings recently completed to the south between 221 and 231 Miller Street.

We observed that two mixed-use developments including residential towers are recently completed at 231 Miller Street, The Miller and 221 Miller Street, the Vantage Apartments. Both buildings include a residential component and rise to 23 and 20 storeys respectively. Marketing information available on-line in relation to The Miller and the Vantage Apartments indicates that living spaces along the east elevation of the buildings would have access to some views to the east.

The most affected views will be those from the closest residential locations including the Belvedere and upper floors at the Heritage Apartments. Views from some upper level apartments in these buildings may have access to scenic and highly valued items in the views that may be affected by built form proposed for the site.

Based on an analysis of potential views using 3D imagery available via Google Earth, we envisage that private domain views to the south-east and east from the upper floors at 229 Miller Street would be constrained to some extent by construction of a tower form as proposed on the southern part of the site at 41 McLaren Street.



## 6.0 Visual effects on public domain views

In our opinion the massing of built forms proposed in the Reference Design would not cause significant visual effects or potential impacts on views from the public domain that are available from areas surrounding the site. Further, the proposed development complies with provisions in the North Sydney Council DCP regarding maintenance of public domain views including those that are specific to the Hampden Precinct Character Statement.

## 7.0 Visual effects on private domain views

RLA determined that potential view loss would be likely to occur in relation to the closest dwellings and advised Avenor and SJB that block-model photomontages should be prepared as an aid to the further assessment of potential visual effects and impacts on view sharing.

We advised Avenor and SJB that images taken by drone photography would provide an adequate indicative representation of a range of view compositions potentially available from neighbouring developments and advised that the preparation of additional modelling be prepared to show an additional view from 150 Walker Street.

Due to ongoing construction at 221 and 229 Miller Street, additional drone photography was not possible. In addition, because of the unknown potential future massing at 41 and 45 McLaren Street we advised that there would be no utility in preparing additional photomontages to represent views from 237 Miller Street (The Harvard) and 37 McLaren Street (the McLaren Apartments). We have however, assessed the likely effects of the proposed development on potential views from those locations based on an analysis of 3D modelling available on Google Earth. This modelling includes the form, height and massing of existing buildings within the immediate visual context of the precinct and beyond. A typical 3D image from Google Earth is included in Appendix 2.

Views from the McLaren Apartments and The Harvard to the east and south-east are likely to be potentially affected by any tower form proposed as part of the draft WSPM, or the planning proposal for 41 McLaren Street, which would be in the foreground, as well as the new built forms proposed, distantly, on the precinct. However, given the relative heights of 37 McLaren Street and 237 Miller Street, only views from the upper two or three floors of the east facing dwellings at the Harvard apartments would be available above and beyond the McLaren apartments, that may include parts of Neutral Bay and Kurraba Point.

Potential distant views to the south-east including parts of Sydney Harbour from upper floors at 237 Miller Street would be oblique and across part of the site at 229 Miller Street. As this building is now at 20 storeys in height and completed, a slot view would be all that remains over 39 McLaren Street toward the site, which would be likely to be blocked in the longer term by a tower form proposed in the Planning Proposal for 41 McLaren Street.

Similarly, due to the wide spatial separation, the relative massing and RLs of the proposed development in relation to 221 and 229 Miller Street, any potential views to the east and south-east are unlikely to be significantly affected by proposed development. In our opinion it would be impractical and problematic in this urban visual context to be able to maintain the existing access to views by manipulating the massing of planning proposals for that specific purpose.

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RLA recommended that drone photography be employed to take photographs from the closest and potentially most affected neighbouring locations. The level of importance was determined by their location, potential extent of view access and potential effect of the proposed development on the whole composition of views. The visual effects of each of the three proposed developments have been modelled in respect of the following locations,

- 138 Walker Street (Belvedere)
- 150 Walker Street (The Heritage Apartments)
- 169 Walker Street (Century Plaza)
- 168 Walker Street (former SAP building currently under construction by Aqualand)
- Hampden Street dwellings

In relation to this amended Planning Proposal, views were modelled from dwellings at Hampden Street, The Belvedere, The Heritage Apartments and the development to be constructed by Aqualand as undertaken in the proposal for which a Gateway Determination was received. In our opinion, the extent of the visual effects shown in a representative sample of pictures undertaken in relation to this and previous planning proposals, demonstrate a comprehensive and reasonable assessment of the potential for view loss. Modelling provided to date by the applicant, as well as an analysis of 3D graphics available on Google earth and a review of Councils WSPM, including Figure 12, suggest that there are no iconic views to be preserved from these properties and further analysis would not likely find any other outcome.

We note that Figure 12 that was included in the Ward Street Master Plan Urban Design Report (the WSPMUDR) does not identify the Heritage or Belvedere Apartments as having any potential views to the south-east or south for example to the Opera House or Sydney Harbour Bridge. In addition, it was stated in the Ward Street Precinct Masterplan (2018) recently on exhibition, that view impacts are considered to be reasonable as a result of development.

## 7.1 Limitations of drone photographs

In our opinion the use of drone photographs is not ideal but can provide a useful indication of potential views when inspection of existing views, is not possible.

1. There are limitations in using photographs taken from a drone to simulate view loss effects on adjacent buildings, as follows:
  2. The drone is unable to provide a photograph from an internal or a private area.
  3. The location of the camera is closer to the items viewed than would occur in a private viewing location. As a result, the item causing view loss appears larger than would be the case in a view from a private residence.
  4. The drone camera is in unlimited space, whereas in a real viewing situation the view would be likely to be constrained at the sides and in the foreground by structures such as windows, reveals, doorway openings, walls, balcony floors, balustrades and other similar features. The horizontal and vertical extent of view to the human eye would therefore be less than the drone image.
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5. The camera height is accurately known but the eye height relative to viewing locations in individual buildings is approximate, as floor levels would need to be established with survey accuracy.
6. The equivalent focal length of the lens of the drone camera will need to be multiplied by the relevant crop factor to give a 35mm equivalent focal length (see above).
7. Notwithstanding the above limitations, drone images are very useful aids to demonstrating principles for view sharing and also because they can overcome many practical constraints on gaining access to private viewing places. They provide adequate images for the purposes of photomontage preparation in these circumstances.

## 8.0 Analysis of photomontages

This assessment is based on an analysis of block model photomontages prepared by SJB. The photomontages were prepared following guidance and direction provided by RLA from view locations recommended by RLA using drone photography and from a hand-held camera used by Avenor staff.

The likely impact of the proposal at the Development Application stage on outward views (private domain views) would require analysis and assessment in relation to the planning principle of Roseth SC of the Land and Environment Court of New South Wales in *Tenacity Consulting v Warringah [2004] NSWLEC 140 - Principles of view sharing: the impact on neighbours (Tenacity)*. In summary, Roseth SC in *Tenacity* defines a four-step process to assist in the determination of the impacts of a development on views from the private domain. The steps are sequential and conditional, meaning that proceeding to further steps may not be required if the conditions for satisfying the preceding threshold is not met in each view or residence considered. A second planning principle that may be relevant is *Rose Bay Marina Pty Limited v Woollahra Municipal Council and anor. [2013] NSWLEC 1046*. *Rose Bay Marina* is concerned with views in the public domain in contrast to *Tenacity*. However, it considers some of the same material including the compliance of the proposal with controls.

At this stage in the planning process we have not undertaken a comprehensive assessment under *Tenacity* or *Rose Bay Marina*, as the planning principles are of limited applicability. This is because the final step of the principle in *Tenacity* and corresponding questions in *Rose Bay Marina* which concern the reasonableness of the impacts of a proposal cannot be undertaken in the absence of a close understanding of the compliance of the proposal with the planning controls that apply to the subject site. Whether the impacts of a proposal are reasonable depends in part on the extent to which the proposal complies with established development standards and controls, for example on statutory controls on height, bulk, FSR, setbacks etc.

In the context of a Planning Proposal, which seeks to vary the existing statutory and non-statutory controls and to achieve significant changes to the quantitative controls and the planning outcomes, the application of the *Tenacity* planning principle is of limited applicability. This is because it is agreed implicitly in a Planning Proposal with a Gateway Determination that there are no development controls that currently apply to the site. In addition, the controls that are proposed or intended to apply when the Planning Proposal is approved would have the effect of significantly changing both the existing and the desired future character. In that context, the merits of compliance with the controls in terms of weighting the significance of impacts on view sharing, which is tested by Step 4 of *Tenacity* and corresponding questions to be addressed in *Rose Bay Marina*, are unable to be determined.

To take account of this situation, we have assessed the likely visual effects and potential impacts on access to views that would be caused by the construction of a built form shown in the Reference Design for the Planning Proposal in general terms.

Our assessment is based on a review of the potential effects of the building envelope as modelled and shown as a translucent grey form in photomontages. We are advised that the location and form shown, accurately represents the height, bulk and FSR of the proposal. In this regard drone photographs were taken on two occasions using the same equivalent camera focal length of 24mm and used as the base images in photomontages.

We have analysed the bulk form and scale the Reference Design from the same locations as the application for which a Gateway Determination was gained, so that the effects can be easily compared.



## Photomontages 1 and 2

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*Photomontage 1*  
*2 Hampden Street front terrace, RL 61.57, Reference Design*



*Photomontage 2*  
*Belvedere 138 Walker Street Roof top view: RL 128.0, Reference Design*



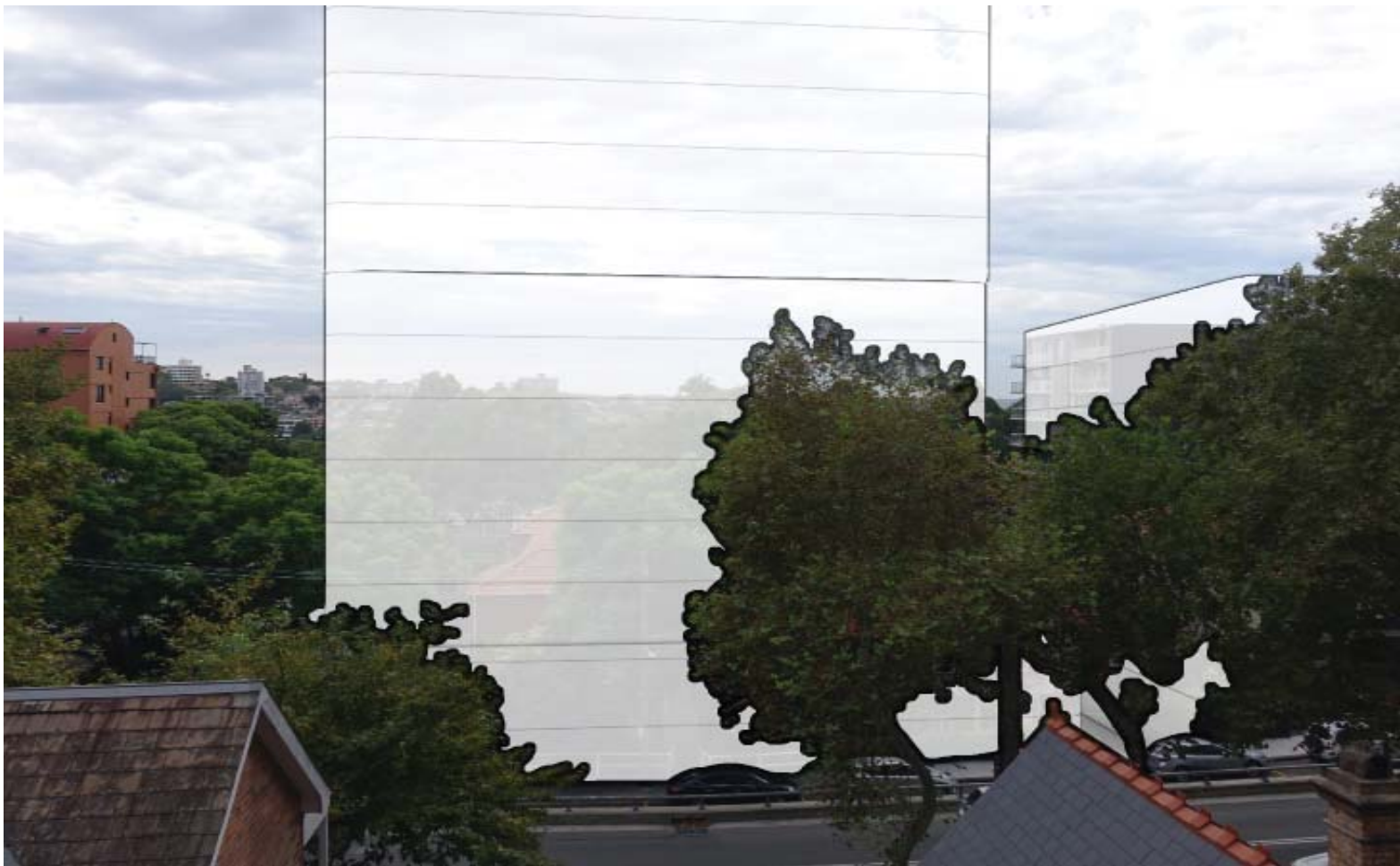
## Photomontages 3 and 4

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*Photomontage 3*

*Belvedere 138 Walker Unit 1516: RL 88.0, Reference Design*



*Photomontage 4*

*The Heritage 150 Walker Street Unit 302, RL71m, Reference Design*



Photomontage 5  
 168 McLaren Street, former SAP building under construction by Aqualand ,RL119.0, Reference Design

View Impact Photography  
 Shortlist  
 22-Feb-19

Position No.	Address	Description / Location	View Direction	Location Coorindates	Height (RL in Metres above Sea Level)	Camera
1	138 Walker Street	View from Roof	South East	33°50'10.2"S 151°12'32.8"E	128	Sony DSC-RX10.
2	138 Walker Street	View from Apartment 1605. Level 16. 138 Walker Street North Sydney	East	33°50'10.9"S 151°12'32.9"E	110	Sony DSC-RX10.
3	168 Walker Street	Drone Photograph from exterior.	South East	33°50'06.0"S 151°12'32.9"E	119.60	DJI FC6520 OLYMPUS M.
4	2 Hampden Street	View from Level 1 Bedroom balcony of Terrace House.	South	33°50'08.1"S 151°12'34.8"E	62	Sony DSC-RX10.
5	150 Walker Street	View from Apartment 302. Level 3. 150 Walker Street North Sydney.	East	33°50'08.9"S 151°12'32.9"E	71	Sony DSC-RX10.



## 2 Hampden Street front terrace: Reference Design

This view is to the south towards Walker Street and includes the podium and part of the 29-storey tower that rises above the podium at the north-west corner of the precinct. The proposed development would replace existing low built forms, with a low street wall height at a lesser setback than the existing buildings, with a setback above street wall height. Foreground vegetation would remain to partly screen the lower parts of the proposed development. The proposed massing would not block views to scenic or highly valued items identified in *Tenacity* or of the kind referred to in *Rose Bay Marina* and would only block views to other existing built forms in the mid and background composition and of an area of sky.

## Belvedere 138 Walker Street roof top view: Reference Design

None of the massing of the Reference Design is visible in the composition of this view which is orientated to the south-east toward the scenic and iconic items in the view, which includes water of Sydney Harbour, extensive areas of land-water interfaces and iconic items. The proposed building would be visible to the left in the view, blocking only the presence of district views.

## Belvedere 138 Walker Street Unit 1516: Reference Design

This view is to the east, from a mid-to upper-level apartment in a central location along the east elevation at this address. Part of the proposed tower element in the Planning Proposal and the top levels of the eastern 8-storey elements are visible, replacing part of the view across the Warringah Expressway toward Neutral Bay. The view is from Level 15 and is confined on the right side by 169 Walker Street (the Century Plaza building). The proposed massing introduces new built form into the foreground of the view, but it would not block views to scenic or highly valued items as defined in *Tenacity* and would predominantly block a small part of the district view and areas of sky.

## The Heritage 150 Walker Street Unit 302: Reference Design

This view is to the east, over the roofs of the two-storey apartments retained along Walker Street in this development. The tower element and the southern 8-storey element on the site are visible. The tower form replaces part of the district view towards Neutral Bay. The 3-storey elements replaces only the view of an existing apartment building to the south-east. The proposal would replace a substantial part of the foreground, mid-ground and background composition of the view that is currently characterised by residential development, vegetation and areas of sky.

Notwithstanding the new massing introduces new built form into the composition of the view, it would not block views to scenic or highly valued items as defined in *Tenacity* and would predominantly block views only to existing built forms, the district to the east and areas of sky.

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## 168 McLaren Street (Aqualand): Reference Design

The existing view composition available to the east of Century Plaza is predominantly a district view of North Sydney and Kirribilli suburbs, but it also includes part of the main channel of Sydney Harbour, including islands and areas of land-water interface, distant Eastern suburbs and residential development on the lower North Shore in Neutral Bay and Kurabba Point. Part of the Tasman Sea is visible beyond the Eastern Suburbs in Rose Bay.

Part of the tower element of the proposal will replace an area of water visible to the south above Kirribilli, that includes the tip of Garden Island and Fort Denison, however the remainder of the scenic and valued items identified in Step 1 of *Tenacity* would remain visible. Thus, a small part of a wider panoramic view would be blocked by the proposed tower including scenic and highly valued features, while the majority of the built form would block views only to district items.

## 9.0 Summary of visual effects

The planning principle in *Tenacity* is of limited application in the context of a Planning Proposal. However, it concerns view sharing in the private domain and is the most widely referenced planning principle according to Land and Environment Court of New South Wales records. While not relevant to assessment of view sharing in the Planning Proposal, it is of some guidance, in relation to items of views that might be taken into account in analysing the physical effects of the proposal on views.

In analysing the likely effects of the proposal on views, notwithstanding the composition of views to the east would change for some of the closest neighbours to the site, it was concluded that the majority of private domain view lost would not include highly valued iconic features as defined in *Tenacity*. For example, extensive areas of Sydney Harbour, whole views, substantial areas of shoreline and land-water interfaces and celebrated heritage and cultural items of the Sydney Harbour Bridge and the Sydney Opera House are unlikely to be part of the composition of the majority of the views from the closest and potentially affected neighbours.

A full assessment of view loss in the private domain adopting the *Tenacity* principles would require a detailed assessment of individual views from dwellings that would be more appropriate at the DA stage. Nevertheless, it appears unlikely that a view sharing assessment would conclude that the effects of the Reference Design would be unreasonable, in the terms of *Tenacity*.

The building from which the greatest quantum of view loss would be experienced is The Heritage apartments at 150 Walker Street. As this is also among the lowest of residential buildings in the adjacent precinct, it would be unreasonable to expect the views to be retained, however some apartments may benefit in having an axial view retained resulting from the spatial separation between the northern and southern tower elements, as would some apartments at various levels in the Belvedere.

Further we note that in the recently exhibited WSPM (2018), that Council provides the annotation to *Figure 12* to the effect that there are *No existing views of the Harbour Bridge or Opera House*, which indicates that the Masterplan studies show that 221, 231, 239 Miller Street and 39 McLaren Street do not have iconic views of the Opera House or Sydney Harbour Bridge.

On Page 47 of the WSPM, is the statement *"The height of existing buildings to the south of the precinct mean that there are no existing views of the Harbour Bridge or Opera House available to existing residents of the precinct. Views of the Harbour are restricted to the east and only over the top of existing buildings at 41 McLaren Street. This allows for new development without compromising existing views of the Harbour Bridge or Opera House."*

This confirms our observations and analysis of the likely impacts of the planning proposal on views from this locality.



## 10.0 Conclusion

The proposed development has a visual catchment predominantly situated to the east of the site and confined by taller buildings to its west. Views from the west to the proposed tower form will be constrained by existing and future development located immediately west of the site.

In views from the east the Reference Design would be seen against a background of tall built form located in McLaren Street, along the ridgeline followed by Miller Street and the emerging taller built form in McLaren Street, including 41 McLaren Street.

The existing visual quality of the site and adjacent streetscapes is moderate to high given the quality of existing development, the presence of heritage items and vegetation and in our opinion the proposed development is compatible with the visual quality and streetscape character of Walker Street.

There are limited public domain views from a restricted and close potential visual catchment to the north and south along Walker Street. In such views, the massing of the Reference Design will not obscure or block views of scenic or culturally significant features. The proposal in this regard, complies with guidelines for impacts on public domain views that are included in Council's DCP.

The proposal would be of high visual exposure to the Warringah Freeway and potentially to vantage points to the east, for example parts of Kurraba Road and Neutral Bay. However, in the wider context and from this direction and vicinity, the Reference Design would not be incompatible with adjacent development and built forms currently and proposed in the North Sydney CBD.

The proposal would provide the potential for a high-quality development and significant areas of publicly accessible high amenity spaces, compared to the existing absence of such areas.

A limited number of views from some high-level apartments located opposite the site in Walker Street would be affected by the proposed development. The effects and impacts will vary, but in the majority of views the potential impacts in our opinion will be minor.

Impacts will be minor because the majority of scenic features, icons and highly valued features in the composition of views exist in oblique views to the south-east and south and will be unaffected by the massing proposed.

Some private domain views from the Belvedere and Heritage apartments, including views to the east that include low and medium density suburban development on the lower North Shore, which is part of a much wider panoramic view, would be lost. The additional height of the tower forms sought by the planning proposal as shown in the Reference Design, will not block views to scenic or highly valued features.

Views from the lower level apartments at the Belvedere and Heritage residential developments would be affected by view loss, to an extent that is likely to be similar to the effect caused by any development that complies with the current LEP development standard for height of buildings in R4 land use zone, which is subject to a height limit of 12m. Thus, the height of the tower element above the existing height limit in the proposal is not responsible for view loss that is in excess of what would be anticipated by or implementation of the existing controls.

Views from the upper-most floors of existing residential developments west of the precinct along McLaren Street and Miller Street are unlikely to be significantly affected by view loss due to the relative differences in height of the built forms and their underlying topography, the wide spatial separation between such towers and the precinct and the blocking effects of intervening built tower forms. Views to the south from these locations would be unaffected by the proposed development.

The proposed tower would be visible from proposed future residential levels in 41 McLaren Street in views toward the south-east and may cause some view loss, however as the Planning Proposal for that site is currently under review and the height and form of a future building envelope, if approved, is not known, the extent of potential view loss cannot be determined.

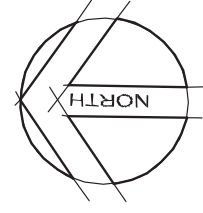
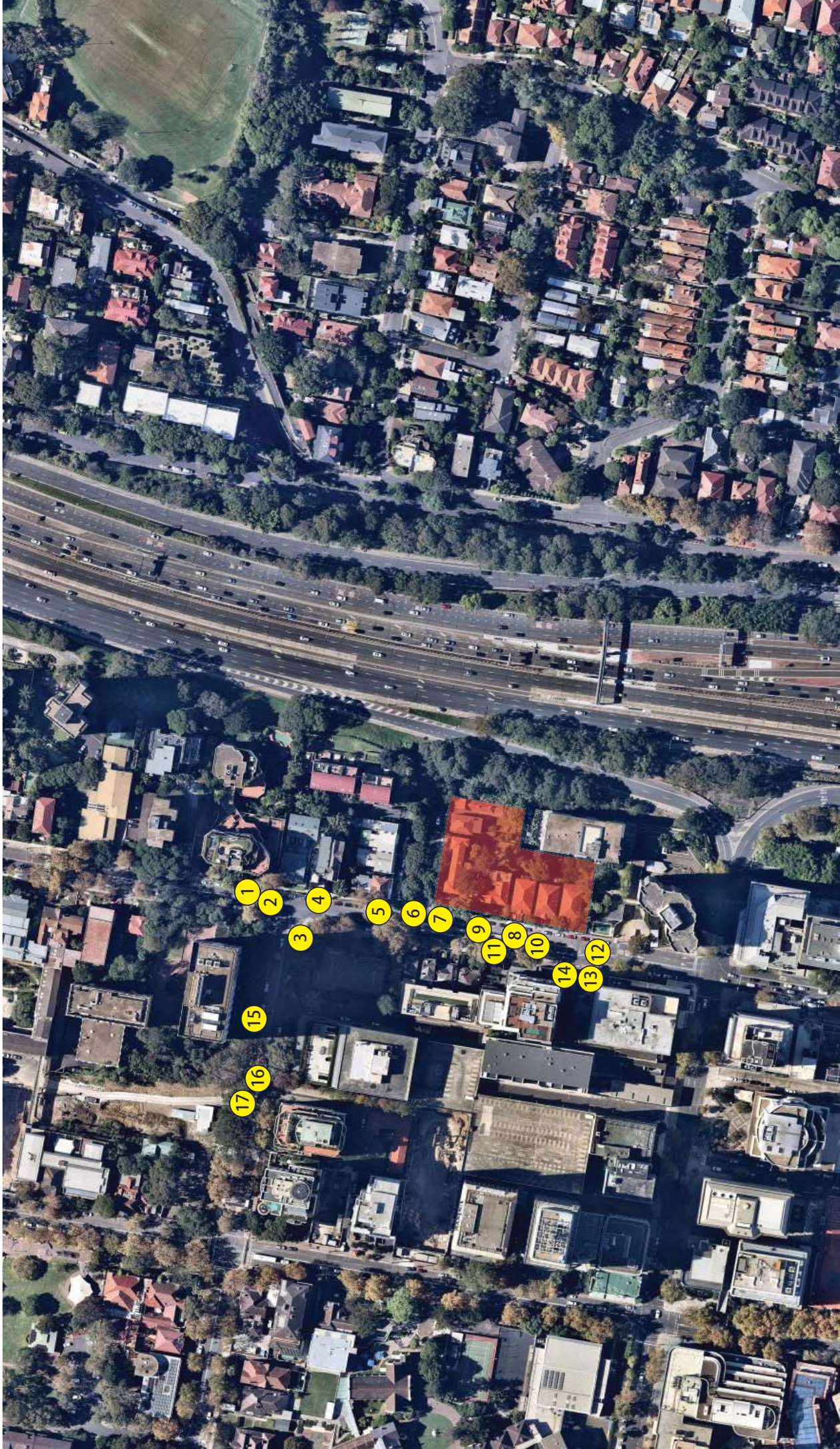
We concur with Council's analysis as shown in Figure 12 of the WSMP Stage 2, that views to the east and south-east from the residential developments near the corner of Miller Street and McLaren Street have no access to views of highly valued icons and limited view access to the east towards the precinct.

The planning proposal and subsequently the construction of a built form according to the Reference Design can therefore be supported on visual impacts grounds.

Richard Lamb and Associates

August 2020

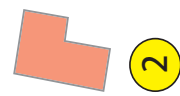




Not to Scale

**Map 1: East Walker Street Planning Proposal**

**Documented views**



Approximate location of subject site

View location





*Location 1; Detail of the Harbourview Apartments located north of the subject site*



*Location 2; View west to the former SAP building under construction by Aqualand at 168 Walker Street*





*Location 3; view west to development located along the south side of McLaren Street*



*Location 4; view south-west to low-rise residential development 45 McLaren Street*





*Location 5; View towards the Heritage Apartments at 150 Walker Street*



*Location 6; view east along Hampden Street*





*Location 7; view south including the south end of the Heritage Apartments and the lower part of the Belvedere*



*Location 8; View north-east to Hampden Street properties which will form part of the subject site*





*Location 9; detail of the east elevation of the Heritage Apartments from the lower part of Walker Street adjacent the site*



*Location 10; Existing buildings on the subject site.*





*Location 11; East elevation of the Belvedere*



*Location 12; View north-west to the taller tower form of the Belvedere*





*Location 13; Detail of the Century Plaza north elevation and entry from Walker Street*



*Location 14; view north along Walker Street to the subject site*





*Location 15; detail of a mixed use development located at 41 McLaren Street, that is currently the subject of a planning proposal which includes significant uplift*



*Location 16; View along access lane between 41 and 37 McLaren Street*





*Location 17; detail of residential development along the south side of McLaren Street including the Harvard Apartment building at 239 Miller Street at the corner with McLaren Street*

### Summary Curriculum Vitae: Dr Richard Lamb



#### Summary

- Qualifications
  - Bachelor of Science - First Class Honours, University of New England in 1969
  - Doctor of Philosophy, University of New England in 1975
- Employment history
  - Tutor and teaching fellow – University of New England School of Botany 1969-1974
  - Lecturer, Ecology and environmental biology, School of Life Sciences, NSW Institute of Technology (UTS) 1975-1979
  - Senior lecturer in Landscape Architecture, Architecture and Heritage Conservation in the Faculty of Architecture, Design and Planning at the University of Sydney 1980-2009
  - Director of Master of Heritage Conservation Program, University of Sydney, 1998-2006
  - Principal and Director, Richard Lamb and Associates, 1989-2019
- Teaching and research experience
  - visual perception and cognition
  - aesthetic assessment and landscape assessment
  - interpretation of heritage items and places
  - cultural transformations of environments
  - conservation methods and practices
- Academic supervision
  - Undergraduate honours, dissertations and research reports
  - Master and PhD candidates: heritage conservation and environment/behaviour studies
- Professional capability
  - Consultant specialising in visual and heritage impacts assessment
  - 30 year's experience in teaching and research on environmental assessment and visual impact assessment.
  - Provides professional services, expert advice and landscape and aesthetic assessments in many different contexts
  - Specialist in documentation and analysis of view loss and view sharing
  - Provides expert advice, testimony and evidence to the Land and Environment Court of NSW on visual contentions in various classes of litigation.
  - Secondary specialisation in matters of landscape heritage, heritage impacts and heritage view studies
  - Appearances in over 275 Land and Environment Court of New South Wales cases, submissions to Commissions of Inquiry and the principal consultant for over 1000 individual consultancies concerning view loss, view sharing, visual impacts and landscape heritage

A full CV can be viewed on the Richard Lamb and Associates website at [www.richardlamb.com.au](http://www.richardlamb.com.au)